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EXAMINER

CHEN, JOSE V

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

It is repeated that copies of the foreign reference filed in the IDS, be sent to this office.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14-19, 21, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Limberger in view of Taub. The patent to Limberger teaches structure substantially as claimed including uprights (11), covering panels (16), upper, lower plates (figs. 1, 4), connection means (figs. 2, 3, 5), frontal zone, the connection means including channels and folded wings the only difference being that the covering panels are not in a curvature. However, the patent to Taub teaches the use of providing a curvature for the panels. It would have been obvious at the time of the invention to modify the structure of Limberger to include a curved surface side panel, as taught by

Taub since such structures are conventional alternative structures used in the same intended purpose, and would have been a predictable result, thereby providing structure as claimed. The use of ties to brace structures are well known structures and the use of such would have been obvious and well within the level of ordinary skill in the art.

Further, the method would have been obvious in view of the structures.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Limberger in view of Taub as applied to the claims above, and further in view of Rauls. The patent to Limberger in view of Taub teaches structure substantially as claimed as discussed above including a frontal zone, the only difference being that the frontal zone is not provided with a support that can be moved or tilted. However, the patent to Rauls (fig. 1) teaches such structure to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the structure of Limberger in view of Taub to include a work surface that can be moved, as taught by Rauls, since such structures are conventional alternative structures used in the same intended purpose and would have been predictable, thereby providing structure as claimed.

Claims 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Limberger in view of Taub as applied to the claims above, and further in view of Priesemuth. The patent to Limberger in view of Taub teaches structure substantially as claimed as discussed above including an upper plate, the only difference being that the plate does not include openings to house components. However, the patent to Priesemuth teaches the use of providing holding structure in the form of openings and coverings to be old. It would have been obvious and well within the level of ordinary

skill in the art at the time of the invention was made to modify the structure of Limberger in view of Taub to include openings and coverings, as taught by Priesemuth since such structures are conventional alternative structures used in the same intended purpose thereby providing structure as claimed.

Response to Arguments

Applicant's arguments filed 03/18/08 have been fully considered but they are not persuasive. With respect to applicant's remarks regarding Taub, Taub teaches a panel with connection structure as claimed able to function as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (571)272-6865. The examiner can normally be reached on m-f,m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

José V. Chen
Primary Examiner
Art Unit 3637

/José V. Chen/
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06/10/08